

PERMIT

Permit No: #201502240-TS

Municipality: Fairfield

Work Area: Pine Creek off property located north of 1094 Fairfield Beach Road

Permittee: Town of Fairfield -Department of Public Works
725 Old Post Road
Fairfield, CT 06824

Pursuant to sections 22a-359 through 22a-363g and sections 22a-28 through 22a-35 of the Connecticut General Statutes (“CGS”), and in accordance with section 401 of the Federal Clean Water Act, as amended, and in accordance with section 22a-98 of the Connecticut General Statutes (“CGS”), and the Connecticut Water Quality Standards, effective February 25, 2011, a permit and water quality certificate (“certificate”) is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to upgrade an existing culvert for flood control purposes, and conduct tidal wetland restoration as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201502240-TS, including 9 sheets of plans with sheets 1 through 8 dated March 2015, sheet 9 dated December 2014, and sheets 1 and 6 revised July 6, 2015, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. install temporary cofferdams using sandbags around the upstream and downstream perimeter of the existing culvert, and dewater the area within the cofferdams by installing temporary dewatering pumps and dewatering dirt bags as shown on plan sheet 7;
2. replace the existing 48" CMP culvert with self-regulating tide gate with two 48" HDPE culverts with self-regulating tide gates;
3. install two 60" HDPE culverts with manual sluice gates on the outlet side;
4. install, on the upstream side of the culverts, a concrete headwall supported by seven helical piles, and place a riprap apron consisting of 11 cubic yards of intermediate riprap over a 142 square foot area;
5. install, on the downstream side of the culverts, a concrete headwall supported by seven helical piles, and place a riprap apron consisting of 20 cubic yards of intermediate riprap over a 271 square foot area, and install fifteen timber debris posts;
6. remove the temporary cofferdam, dewatering pump and dirt bag;
7. install a temporary turbidity curtain;
8. conduct tidal wetland restoration over a 200 square foot area as follows: in the areas upstream of the culverts as shown on Figure C.05, plant approximately 28 square feet of Saltmarsh cordgrass (*Spartina alterniflora*) and 37 square feet of Marsh Elder (*Iva frutescens*) 2-inch plugs at 1-foot on center; and in the areas downstream of the culverts as shown on Figure C.05, plant approximately 78 square feet of Saltmarsh cordgrass (*Spartina alterniflora*) and 92 square feet of Marsh Elder (*Iva frutescens*) 2-inch plugs at 1-foot on center, and in accordance with the monitoring plans identified in paragraphs 12. and 13. of the SPECIAL TERMS AND CONDITIONS, below; and
9. remove the temporary turbidity curtain.

SPECIAL TERMS AND CONDITIONS

1. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
2. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS

Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.

3. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
4. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
5. Prior to conducting the work authorized herein, erosion and sedimentation controls shall be designed and installed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as revised, established pursuant to CGS Section 22a-328. The Permittee shall maintain or modify, as needed, the erosion and sedimentation controls to ensure optimal operating condition until the authorized work has been completed and the site has stabilized.
6. The Permittee shall delineate a 600' buffer around any nest for the Yellow-crowned night-heron (*Nyctanassa violacea*) and the Saltmarsh sharp-tailed sparrow (*Ammodramus caudacutus*) if found in the vicinity of the project, if work is conducted from May 1st through August 15th.
7. The Permittee shall delineate a 600' buffer around any roosting area for the Long-eared Owl (*Asio otus*) and the Short-eared Owl (*Asio flammeus*) if found within the vicinity of the project, if work is conducted between the months of December and March.
8. The Permittee shall ensure that if any turtle species of Diamondback terrapins is found onsite, such species will be carefully relocated to a suitable habitat area outside of the work area.
9. Prior to initiation of the work authorized in paragraph 8. of the SCOPE OF AUTHORIZATION above, the Permittee shall install a temporary turbidity curtain in the water around the work area. Such device shall be maintained in optimal operating condition until the work has been completed and the site has been stabilized.
10. The Permittee shall perform work authorized in paragraph 8. of the SCOPE OF AUTHORIZATION above, during periods of low water only.
11. Any excavated sediment must be stored above the coastal jurisdiction line and out of tidal wetlands. The Permittee shall utilize silt fences and haybales to contain the stockpiled sediment on the upland.
12. The Permittee shall conduct monitoring for the tidal wetland restoration area for 5 years. Such monitoring shall consist of the submission of photographs taken during the peak of the

growing season of the restoration area and a written report on the success of the restoration efforts no later than December 15 of each year. If the Commissioner determines following the 5-year monitoring plan that the approved restoration plan has not been successful, the Permittee shall submit for review and written approval of the Commissioner a revised plan to achieve restoration of the area.

13. The Permittee shall conduct the following tidal wetland restoration maintenance for three years following the completion of tidal wetland restoration authorized and required herein:
 - a) remove any invasive plant species within the footprint or around the perimeter of the restoration area;
 - b) remove any debris including flotsam or decayed plant material from the restoration area;
 - c) replace dead or missing plants which have not already been compensated for by a suitable volunteer species; and
 - d) repair any damaged or nonfunctional sedimentation and erosion control measures.
14. The Permittee shall maintain the self-regulating tide gates and manual sluice gates authorized in paragraphs 2. and 3. of the SCOPE OF AUTHORIZATION above, in optimal operating condition for the life of the structures and in accordance with the attached "Tide Gate Operation and Maintenance Plan" dated June 26, 2015. Routine maintenance consisting of in-kind, in-place, out-of-water work may be conducted on these structures on an as needed basis using hand-held tools during low water cycles only. Should the Permittee wish to conduct any work beyond routine maintenance, an application must be submitted for the Commissioner's review and approval.
15. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
16. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
17. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or access way other than as provided herein.
18. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the work area showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer,

surveyor or architect, as applicable, who is licensed in the State of Connecticut.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit (“work completion date”) in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner’s sole discretion to grant or deny such request.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
4. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
5. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee’s obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
6. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Energy and Environmental Protection
79 Elm Street

Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

7. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word “day” as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
8. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: “I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.”
9. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee’s representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
10. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee’s application. Neither the Permittee’s representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
11. In the event the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and

the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
14. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby

Issued on _____, 2015.

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner

Permit #201502240-TS
Town of Fairfield



OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

**TO: Department of Energy and Environmental Protection
Office of Long Island Sound Programs- Permit Section
79 Elm Street, Hartford, CT 06106-5127**

PERMITTEE: Town of Fairfield – Public Works Department
725 Old Post Road
Fairfield, CT 06824

Permit No: #201502240-TS, Fairfield

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)

OFFICE OF LONG ISLAND SOUND PROGRAMS
APPENDIX B

NOTICE OF PERMIT ISSUANCE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

To: Fairfield Town Clerk

Signature and
Date:

Subject: Culvert located north of 1094 Fairfield Beach Road, Fairfield
Coastal Permit #201502240-TS

Pursuant to Section 22a-363g, and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Town of Fairfield – Department of Public Works, 725 Old Post Road, Fairfield, CT 06824 to:

1. install temporary cofferdams using sandbags around the upstream and downstream perimeter of the existing culvert, and dewater the area within the cofferdams by installing temporary dewatering pumps and dewatering dirt bags as shown on plan sheet 7;
2. replace the existing 48" CMP culvert with self-regulating tide gate with two 48" HDPE culverts with self-regulating tide gates;
3. install two 60" HDPE culverts with manual sluice gates on the outlet side;
4. install, on the upstream side of the culverts, a concrete headwall supported by seven helical piles, and place a riprap apron consisting of 11 cubic yards of intermediate riprap over a 142 square foot area;
5. install, on the downstream side of the culverts, a concrete headwall supported by seven helical piles, and place a riprap apron consisting of 20 cubic yards of intermediate riprap over a 271 square foot area, and install fifteen timber debris posts;
6. remove the temporary cofferdam, dewatering pump and dirt bag;
7. install a temporary turbidity curtain;
8. conduct tidal wetland restoration over a 200 square foot area as follows: in the areas upstream of the culverts as shown on Figure C.05, plant approximately 28 square feet of Saltmarsh cordgrass (*Spartina alterniflora*) and 37 square feet of Marsh Elder (*Iva frutescens*) 2-inch plugs at 1-foot on center; and in the areas downstream of the culverts as shown on Figure C.05, plant approximately 78 square feet of Saltmarsh cordgrass (*Spartina alterniflora*) and 92 square feet of Marsh Elder (*Iva frutescens*) 2-inch plugs at 1-foot on center, and in accordance with the monitoring plans identified in paragraphs 12. and 13. of the SPECIAL TERMS AND CONDITIONS, below; and
9. remove the temporary turbidity curtain.



PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: **Town of Fairfield**

At this location: **Culvert North of 1094 Fairfield Beach Road**

To conduct the following activities: **Replace an existing 48" CMP culvert with a self-regulating tide gate with two 48" HDPE Culverts with self-regulating tide gates, install two 60" HDPE culverts with manual sluice gates on the outlet side, install two headwalls with riprap aprons and timber debris posts, and conduct tidal wetland restoration.**

Permit #: 201502240-TS

Issued on:

This Authorization expires on:

This Notice must be posted in a conspicuous place on the job during the entire project.

Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street • Hartford, CT 06106-5127
Phone: (860) 424-3034 Fax: (860) 424-4054
www.ct.gov/deep